

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT D. GORDON, Receiver of  
Legisi Marketing Inc., *et al.*,

Plaintiff,

vs.

Case No. 09-13953  
HON. GEORGE CARAM STEEH

MAZU PUBLISHING INCORPORATED,  
an Oregon corporation, *et al.*,

Defendants.

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**ORDER GRANTING DEFENDANT MAZU PUBLISHING'S AND MATHEW  
GAGNON'S MOTION PURSUANT TO RULE 56(F) FOR EXTENSION OF  
DISCOVERY AND TIME TO RESPOND TO SUMMARY JUDGMENT, RE-  
SCHEDULING HEARING ON MOTION FOR SUMMARY JUDGMENT, AND  
ORDERING PLAINTIFF TO RESPOND TO DEFENDANT RICHARD SKORDAL'S  
MOTION TO STAY PROCEEDINGS OR, IN THE ALTERNATIVE, GRANT USE  
IMMUNITY**

On July 21, 2010, plaintiff filed a motion for summary judgment. Defendants were required to file a response on or before August 16, 2010. A hearing was scheduled for September 29, 2010. See Dkt. No. 31. On August 16, 2010, defendant Richard Skordal filed a motion to stay proceedings or, in the alternative, grant use immunity. See Dkt. No. 34. On August 17, 2010, defendants Mazu Publishing and Mathew Gagnon filed a motion pursuant to Rule 56(f) for extension of discovery and time to respond to summary judgment.<sup>1</sup> Defendants Mazu Publishing and Mathew Gagnon request an extension of the discovery deadline and an opportunity to file a memorandum in opposition to plaintiff's

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<sup>1</sup> Discovery cut-off was June 21, 2010.

motion for summary judgment for a total of six months.

Rule 56(f) states: “If a party opposing the motion shows by affidavit that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: . . . (2) order a continuance to enable affidavits to be obtained, depositions to be taken, or other discovery to be undertaken . . . .” Fed. R. Civ. P. 56(f)(2). “Beyond the procedural requirement of filing an affidavit, Rule 56(f) . . . requir[es] that a party making such a filing indicate to the district court its need for discovery, what material facts it hopes to uncover, and why it has not previously discovered the information.” *Cacevic v. City of Hazel Park*, 226 F. 3d 483, 488 (6th Cir. 1999). The court finds that defendants Mazu Publishing and Mathew Gagnon have established their need for discovery and the reason behind their difficulty in discovering the information necessary to formulate a response to plaintiff’s motion for summary judgment, however they have not demonstrated what material facts they hope to uncover. Therefore, the court does not find that a six month extension for discovery is warranted.

Accordingly,

Defendants Mazu Publishing’s and Mathew Gagnon’s motion pursuant to Rule 56(f) for extension of discovery and time to respond to summary judgment is GRANTED IN PART. Discovery is hereby reopened for a period of sixty (60) days. Discovery cut-off is November 1, 2010.

Defendants Mazu Publishing’s and Mathew Gagnon’s response to plaintiff’s motion for summary judgment is due on or before November 24, 2010. Plaintiff may file a reply brief in support of his motion for summary judgment on or before December 13, 2010. The hearing on plaintiff’s motion for summary judgment will be held on December 16, 2010 at

2:00 p.m.

Plaintiff shall file a response to defendant Skordal's motion to stay proceedings or, in the alternative, grant use immunity on or before September 9, 2010. See Dkt. No. 34

SO ORDERED.

Dated: August 31, 2010

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 31, 2010, by electronic and/or ordinary mail.

S/Josephine Chaffee  
Deputy Clerk